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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,005	08/17/2001	Robert W. Scheifler	6502.0113-01	2982

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER
LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
2161	

DATE MAILED: 03/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/931,005	SCHEIFLER ET AL.
	Examiner	Art Unit
	Etienne P LeRoux	2161

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _29 October 2004_.

2a) ☐ This action is **FINAL.**   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _28-88_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _28-88_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _17 August 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _10/29/2004_.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

Claims Status:

Claims 28-88 are pending. Claims 1-27 have been cancelled. Claims 28-88 are rejected as detailed below.

Specification

An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application(s) in the first sentence(s) of the specification or in an application data sheet by identifying the prior application by application number (37 CFR 1.78(a)(2) and (a)(5)). If the prior application is a non-provisional application, the specific reference must also include the relationship (i.e., continuation, divisional, or continuation-in-part) between the applications except when the reference is to a prior application of a CPA assigned the same application number.

Applicant should correct the filing date of the applications shown in the Preliminary Amendment of 8/17/2001. All Application Serial Numbers shown on pages 2-5 and indicated "filed on the same date herewith" were filed on 3/20/98 as best examiner is able to ascertain. Furthermore, after Application Serial Number 09/044,936 please enter "now abandoned." Still further, the following is required: (1) enter the filing date of 3/20/98 after the US Patent Application Serial Number 09/044,931 of page 5, (2) enter the filing date of 3/20/98 after US Patent Application Number 09/044,835 on page 6.

Furthermore, referring to the original specification document, please insert the US patent application serial number and filing date for "Method and System for In-Place Modifications in a Database included in paragraph 73 and referring to the original specification document, please insert the US patent application serial number and filing data for "Downloadable Smart Proxies for Performing Processing Associated with a Remote Procedure Call in a Distributed System" included in paragraph 80.

Claim Objections

Claims 28-88 are objected to because of the following informalities:

Claim 28 recites "comprising the steps of." There is insufficient antecedent basis for above

language. Claims 29-88 include the same language and are objected to for the same reason. Examiner

suggests that all references to "steps" be removed for claims 28-88. However, applicant is requested to

provide appropriate correction best fitting the invention.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 62-88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 62, 71, 75, 78, 80, 81 and 85 recite "transforming parameters into different types for

subsequent transmission." The metes and bounds of the claim limitation cannot be determined because

it is unclear what parameters are being transformed. Furthermore, the plurality of types which applicant

is claiming is difficult to determine.

Claims 63-70, 72-74, 76, 77, 79, 82-84, 86-88 are rejected for being dependent from a rejected

base claim.

Art Rejection Precluded.

Claims 62-88 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing

to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The indefiniteness precludes art rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness

rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102
> of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject
> matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art
> to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under

35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly

owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of

each claim that was not commonly owned at the time a later invention was made in order for the

examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior

art under 35 U.S.C. 103(a).

Claims 28-33, 37-41, 43-51 and 53-61 are rejected under 35 U.S.C. 103(a) as being unpatentable

over US Pat No 5,915,112 issued to Boutcher (hereafter Boutcher) in view of US Pat No 5,978,773

issued to Hudetz et al (hereafter Hudetz).

<u>Claims 28, 37, 44-46 and 55:</u>

Boutcher discloses receiving a request from a client by the lookup service [network directory, col

10, line 16] for access to one of the network services [Fig 2B, server 20, col 6, lines 20-27], the client

being remote with respect to the lookup service [col 10, lines 8-9, the client may dynamically load

executable code to facilitate access of the one network service, Fig 2B, server stub 44, routine A 46,

routine B 48, col 7, lines 13-33]. Boutcher discloses the essential elements of the invention as noted

above but does not disclose returning a resource locator to the client from the lookup service. Hudetz

discloses returning a resource locator to the client from the lookup service [Fig 4, 74]. It would have

been obvious to one of ordinary skill in the art at the time the invention was made to modify Boutcher to

include returning a resource locator to the client from the lookup service as taught by Hudetz for the

purpose of identifying a resource on the Internet and thus enabling the client to access the resource [col

2, lines 27-36]. The skilled artisan would have been motivated to improve the invention of Boutcher per

the above such that the user does not have the problem of finding and entering a URL [col 2, lines 37-

51].

Claim 29:

        The combination of Boutcher and Hudetz discloses the elements of claim 28 as noted above and

furthermore, using the returned resource locator to dynamically load executable code to facilitate access

of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 30:

        The combination of Boutcher and Hudetz discloses the elements of claim 29 as noted above and

furthermore, accessing the network service by the client using the dynamically loaded executable code

[Boutcher, col 3, lines 25-35].

Claim 31:

        The combination of Boutcher and Hudetz discloses the elements of claim 28 as noted above and

furthermore, returning the stub information to the client [Boutcher, response by server is unmarshalled,

Fig 5 step 114, col 10, lines 62-67].

Claim 32:

The combination of Boutcher and Hudetz discloses the elements of claims 28 and 31 as noted

above and furthermore, using the resource locator in the client to dynamically load executable code for

the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 33:

The combination of Boutcher and Hudetz discloses the elements of claims 28, 31 and 32 as noted

above and furthermore, accessing the network service by the client using the dynamically loaded

executable code [Hudetz, col 3, lines 28-35]

Claim 38:

The combination of Boutcher and Hudetz discloses the elements of claim 37 as noted above and

furthermore, using the returned resource locator to dynamically load executable code to facilitate access

of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 39:

The combination of Boutcher and Hudetz discloses the elements of claims 38 and 39 as noted

above and furthermore, accessing the network service by the client using the dynamically loaded

executable code [Boutcher, col 3, lines 25-35].

Claim 40:

The combination of Boutcher and Hudetz discloses the elements of claim 37 as noted above and

furthermore, receiving stub information and using the resource locator in the client to dynamically load

executable code for the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 41:

The combination of Boutcher and Hudetz discloses the elements of claims 37 and 40 as noted

above and furthermore, accessing the network service by the client using the dynamically loaded

executable code [Hudetz, col 3, lines 28-35]

Claim 43:

The combination of Boutcher and Hudetz discloses the elements of claims 37 and 40 as noted

above and furthermore, accessing the network service by the client using the dynamically loaded

executable code [Hudetz, col 3, lines 28-35]

Claim 47:

The combination of Boutcher and Hudetz discloses the elements of claim 46 as noted above and

furthermore, using the returned resource locator to dynamically load executable code to facilitate access

of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 48:

The combination of Boutcher and Hudetz discloses the elements of claims 47 and 48 as noted

above and furthermore, accessing the network service by the client using the dynamically loaded

executable code [Boutcher, col 3, lines 25-35].

Claim 49:

The combination of Boutcher and Hudetz discloses the elements of claim 46 as noted above and

furthermore, returning the stub information to the client [Boutcher, response by server is unmarshalled,

Fig 5 step 114, col 10, lines 62-67].

Claim 50:

The combination of Boutcher and Hudetz discloses the elements of claims 46 and 49 as noted

above and furthermore, using the resource locator in the client to dynamically load executable code for

the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 51:

The combination of Boutcher and Hudetz discloses the elements of claims 46, 49 and 50 as noted

above and furthermore, accessing the network service by the client using the dynamically loaded

executable code [Hudetz, col 3, lines 28-35]

Claim 53:

The combination of Boutcher, Hudetz and Hart discloses the elements of claim 46 as noted above and furthermore, Boutcher discloses using the resource locator in the client to dynamically load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 54:

The combination of Boutcher and Hudetz discloses the elements of claims 46 and 53 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 56:

The combination of Boutcher and Hudetz discloses the elements of claim 55 as noted above and furthermore, using the returned resource locator to dynamically load executable code to facilitate access of the one network service [Boutcher, col 7, lines 5-13, server stub file].

Claim 57:

The combination of Boutcher and Hudetz discloses the elements of claims 55 and 56 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 58:

The combination of Boutcher and Hudetz discloses the elements of claim 55 as noted above and furthermore, using the resource locator in the client to dynamically load executable code for the stub [Boutcher, col 7, lines 5-13, server stub file].

Claim 59:

The combination of Boutcher and Hudetz discloses the elements of claim 55 and 58 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claim 60:

The combination of Boutcher and Hudetz discloses the elements of claim 55 as noted above and furthermore, Boutcher discloses using the resource locator in the client to dynamically load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 61:

The combination of Boutcher and Hudetz discloses the elements of claim 60 as noted above and furthermore, accessing the network service by the client using the dynamically loaded executable code [Boutcher, col 3, lines 25-35].

Claims 34-36, 42 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Boutcher and Hudetz and further in view of US Pat No 6,363,409 issued to Hart et al (hereafter Hart).

Claim 34:

The combination of Boutcher and Hudetz discloses the elements of claim 28 as noted above but does not disclose returning smart proxy information to the client. Hart discloses returning smart proxy information to the client [col 5, lines 9-15]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Boutcher and Hudetz to include returning smart proxy information to the client as taught by Hart for the purpose of integrating separate 16-bit routines [col 5, lines 9-20]. The skilled artisan would have been motivated to modify the combination of Boutcher and Hudetz per the above such that the stubs are integrated into the application such as Windows-on-Windows [col 4, lines 43-50]. This integration ensures that the stubs become part of the overall program and changes made to the stubs are reflected in the overall application program.

Claim 35:

The combination of Boutcher, Hudetz and Hart discloses the elements of claims 28 and 34 as

noted above and furthermore, Boutcher discloses using the resource locator in the client to dynamically

load the executable code for a smart proxy [results are returned to client, col 7, lines 14-19]

Claim 36:

The combination of Boutcher, Hudetz and Hart discloses the elements of claims 28, 34 and 35 as

noted above and furthermore, Boutcher discloses accessing the network service by the client using the

dynamically loaded executable code [results are returned to client, col 7, lines 14-19]

Claim 42:

The combination of Boutcher, Hudetz and Hart discloses the elements of claim 37 as noted

above and furthermore, Boutcher discloses receiving the smart proxy information and using the resource

locator in the client to dynamically load the executable code for a smart proxy [results are returned to

client, col 7, lines 14-19]

Claim 52:

The combination of Boutcher and Hudetz discloses the elements of claim 46 as noted above but

does not disclose returning smart proxy information to the client. Hart discloses returning smart proxy

information to the client [col 5, lines 9-15]. It would have been obvious to one of ordinary skill in the

art at the time the invention was made to modify the combination of Boutcher and Hudetz to include

returning smart proxy information to the client as taught by Hart for the purpose of integrating separate

16-bit routines [col 5, lines 9-20]. The skilled artisan would have been motivated to modify the

combination of Boutcher and Hudetz per the above such that the stubs are integrated into the application

such as Windows-on-Windows [col 4, lines 43-50]. This integration ensures that the stubs become part

of the overall program and changes made to the stubs are reflected in the overall application program.

Response to Arguments

Applicant's arguments with respect to claims 28-88 have been considered but are moot in view of the new ground(s) of rejection due to examiner's reconsideration of the effective filing date as discussed below.

Applicant states on page 21 that applicants' effective filing date is March 20, 1998 which date is what examiner used for the first Office action. However, examiner investigated the benefits of earlier applications which applicant may claim. It appears that the effective filing date of instant application is April 23, 1996 because instant application is a continuation-in-part of US Patent Application Number 08/636,706 filed on April 23, 1996 which is incorporated in instant application by reference. When examiner became convinced of the accuracy of the effective filing date of April 23, 1996, above new grounds of rejection were made based on the April 23, 1996 effective filing date.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (571) 272-4023. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (571) 272-4023.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

February 14, 2005